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DAC #21

CERA 221 PFF

FELFE & LYNCH

By

Sam Thompson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant(s) : Harmut Kalberer, et al.

Serial No. : 08/324,264

Filed : October 17, 1994

For : TAPERED HIP JOINT SOCKET

Art Unit : 3308

Examiner : David Isabella

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

June 20, 1997

RECEIVED
AUG 4 1997
OFFICE OF PETITIONS
AND PATENTS

**PETITION TO REVIVE ABANDONED APPLICATION
AND REQUEST RE-MAILING OF
NOTICE OF ALLOWANCE NOT RECEIVED**

Sir:

On June 13, 1997, Applicants' received a Notice of Abandonment indicating that the above referenced application was abandoned for failure to pay the issue fee within the statutory period of 3 months from the mailing date of a Notice of Allowance that was sent on September 30, 1996. As a result of Applicants alleged failure to pay the issue fee, the application was abandoned.

In response thereto, Applicants respectfully submit that the September 30, 1996, Notice referred to in the Notice of Abandonment was never received by Applicants' representative. Accordingly, pursuant to M.P.E.P. 711.03(c), page 700-86, Applicants respectfully petition that the application be revived and a new Notice of Allowance be sent.

In support of the above request, the file jacket corresponding to the above application has been examined.


As evidence of the non-receipt of the Notice of Allowance, submitted herewith as Exhibits 1 and 2, are photocopies of the firm's docketing log book for December 30, 1996 and Applicants' representative's docket sheet for the month of December, 1996. If the Notice of Allowance dated September 30, 1996, had actually been received, then notation of the Issue Fee due corresponding to CERA 221-PFF/VMF, which is the internal docket number assigned to the above case, would have been entered in the docketing log book of the action required on December 30, 1996, three months from September 30, 1996.

In addition, the monthly docket, attached hereto as Exhibit 2, would have also reflected the same. However, as is evident from the attached exhibits, there are no notations of the Issue Fee due in either the firm's docketing log book or in the monthly docket report. Accordingly, the absence of such a notation confirms that the Notice of Allowance sent by the Patent and Trademark Office on September 30, 1996, was never received by Applicant's representative.

Accordingly, favorable action on the instant petition is requested and a new Notice of Allowance is earnestly solicited.

Respectfully submitted,

FELFE & LYNCH

By 
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~~REF/EPK Acas 808 Indonesia (12-30-96) Prep Renewal due (12/30/96)~~

~~REF/SPK Kehl 004 (12-30-96) Testimony period for party in position of Plaintiff of Defendant to close~~

~~Jel/MS Jones 205 (12-30-96) Prior ART PTO 12/6/96~~

~~REF/VK Huber 161.3 div (12-30-96) Issue fee due PTO 12/16/96~~

~~REF/NDH Boer 1036 (12-30-96) Rule 11b N/A Due Ext PTO 12/20/96-3~~

~~Jel/FBF Yang 212 (12-30-96) Issue fee & format dues due PTO 10-7-96~~

~~Jel/FBF SAAZ 237.1 cip (12-30-96) Rule 111 Due PTO 12/30/96~~

~~Jel/FBF Lybe 202 (12-30-96) Issue fee & format dues due PTO 10/16/96~~

~~REF/VME Huels 1333.1 cont (12-30-96) Issue fee Due PTO 12-30-96~~

~~REF/FBF Bosch 397 (12-30-96) Convention filing Due Ext~~

~~Jel/VME Kel 236 CA (12-30-96) Response to office Action off Per EPK Rem of 1-15-97~~

~~REF/EPK Ahet 005 (12-30-96) Answer due PTO 12/30/96~~

~~Jel/NDH Lud 5448 (12-30-96) Prior Art + Prior Art~~

~~Jel/NDH Lud 1001 (12-30-96) update allowance list for Ed McDermott~~

December 96

ATTORNEY -	CLIENT/CASE	DATE	DESCRIPTION
VMF	CERA 226 US	✓ 12/03/96 12/17	REMINDER TRANSMIT O/A TO CLIENT -0- OPEN
VMF	HUBR 1059 US	✓ 12/05/96	REMINDER RULE 116 NOTICE OF APPEAL W/2ND EXT FEE DUE -0- OPEN
VMF	KIT 223D US	12/06/96	REMINDER TRANSMIT O/A TO CLIENT -0- OPEN
VMF	KEL 243 PCT	12/07/96	REMINDER 2 MONTH REMINDER (NATIONAL PHASE DUE (20) 02/07/97) -0- OPEN
VMF	KEL 243 PCT	12/07/96	REMINDER 1 MONTH REMINDER (CHAPTER II DUE 01/07/97) -0- OPEN
VMF	HUBR 715.3 CONT	12/09/96	REMINDER <i>by 12/13</i> REPLY BRIEF AND REQUEST FOR ORAL HEARING W/3RD EXT FEE DUE -0- OPEN
VMF	MG 282 US	12/09/96	REMINDER TRANSMIT O/A TO CLIENT (FINAL REJECT) -0- OPEN
VMF	SCHT 202 US	✓ 12/09/96	REMINDER RULE 116 NOTICE OF APPEAL DUE -0- OPEN
VMF	SCHT 203 US	✓ 12/09/96	REMINDER RULE 111 AND DRAWING CHANGES DUE -0- OPEN
VMF	KIT 244 US	12/10/96	REMINDER FOLLOW UP ON UNEXECUTED DECL -0- OPEN
VMF	MIG 202.4 DIVISIONAL	✓ 12/10/96	REMINDER RULE 111 DUE -0- OPEN

DOCKET STATUS REPORT • 11/22/96

ATTORNEY	CLIENT/CASE	DATE	DESCRIPTION
VMF	HUBB 1033.2 CONTINUATION IN PART	✓ 12/11/96 11/26	REMINDER TRANSMIT O/A TO CLIENT -0- OPEN
VMF	HUBB 1036 US	12/11/96	REMINDER PRIOR ART STATEMENT -0- OPEN
VMF	CERA 225 US	✓ 12/12/96	REMINDER ISSUE FEE AND FORMAL DRAWINGS DUE -0- OPEN
VMF	KIT 241 US	12/12/96	REMINDER SIGN DECLARATION DUE -0- OPEN
VMF	ZAPP R 447 US	✓ 12/12/96	REMINDER CASE DUE BACK TO CLIENT FOR REVIEW (CONVENTION FILING DUE 1-25-97) OPEN
VMF	SCHT 204 US	12/13/96	REMINDER RULE 111 AND DRAWINGS DUE -0- OPEN
VMF	MIG 213.2 CONT	12/14/96	REMINDER NOTICE OF APPEAL W/3RD EXT FEE DUE -0- OPEN
VMF	KEL 252 US	12/15/96	REMINDER FOLLOW UP ON UNEXECUTED DECLARATION -0- OPEN
VMF	BOER 1012.2 DIVISIONAL	12/16/96	REMINDER NOTICE OF APPEAL DUE -0- OPEN
VMF	MG 291 US	12/16/96	REMINDER 2 MO REM (RULE 116 N/A DUE 1-16-97) -0- OPEN
VMF	MAD 247 US	12/17/96	REMINDER RESTRICTION REQUIREMENT DUE W/1ST EXT FEE DUE -0- OPEN

12/13

12/15

12/16
by 12/20

DOCKET STATUS REPORT.

11/22/96

ATTORNEY	CLIENT/CASE	DATE	DESCRIPTION
VMF	SCHT 201 US	12/17/96	REMINDER ISSUE FEE DUE -0- OPEN
VMF	HUBR 1013.1 CONT	12/18/96	REMINDER 2 MO REM (RULE 116 N/A DUE 01-18-97) -0- OPEN
VMF	HUBR 1015.1 CONT	12/18/96	REMINDER R. 111 DUE -0- OPEN
VMF	BOER 1012.1 CONT	✓ 12/20/96	REMINDER NOTICE OF APPEAL W/EXT FEE DUE -0- OPEN
VMF	ENSR 204-PCT CANADA	12/21/96	REMINDER REQUEST EXAMINATION DUE -0- OPEN
VMF	ENSR 204 CANADA	12/21/96	REMINDER REQUEST FOR EXAMINATION DUE -0- OPEN
VMF	HUBR 1061 US	✓ 12/23/96	REMINDER <i>Abandon at 12/10</i> 2 MO REM (RULE 116 N/A DUE 1-23-97) -0- OPEN
VMF	KEL 236.1-REISSU CONT	12/24/96	DUE DATE-JEL RULE 111 DUE -0- OPEN
VMF	KIT 241 US	12/24/96	REMINDER PRELIMINARY AMENDMENT DUE -0- OPEN
VMF	KIT 241 US	12/24/96	REMINDER PRIOR ART STATEMENT DUE -0- OPEN
VMF	KIT 242 US	✓ 12/24/96 12/18	REMINDER PRIOR ART STATEMENT DUE -0- OPEN

DOCKET STATUS REPORT 11/22/96

ATTORNEY	CLIENT/CASE	DATE	DESCRIPTION
VMF	KIT 242 US	12/24/96	REMINDER PRELIMINARY AMENDMENT DUE -0- OPEN
VMF	KIT 243 US	12/25/96	REMINDER PRELIMINARY AMENDMENT DUE -0- OPEN
VMF	KIT 243 US	12/25/96	REMINDER PRIOR ART STATEMENT DUE -0- OPEN
VMF	HUBR 1075 US	✓ 12/26/96	REMINDER RULE 111 DUE -0- OPEN
VMF	MG 294 US	12/27/96	REMINDER RULE 111 DUE -0- OPEN
VMF	MIG 217.1 CONT	✓ 12/27/96 12/16	REMINDER RULE 111 DUE -0- OPEN
VMF	SADA 242.1 CONTINUATION IN PART	12/28/96	REMINDER RULE 116 NOTICE OF APPEAL W/EXT FEE DUE -0- OPEN
VMF	KIT 249 US	12/29/96	REMINDER FOLLOW UP ON UNEXECUTED DECLARATION -0- OPEN
VMF	NTD 204 PCT	✓ 12/30/96 12/18	REMINDER PRIOR ART STATEMENT DUE -0- OPEN